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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,439	08/16/2001	Yuen Jun Jiang	37128.8007	3484
22918	7590	08/26/2005	EXAMINER	
PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 08/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,439

Applicant(s)

JIANG ET AL.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7-9, 12-17, 19-21, 24, 27-32 and 34 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6, 10, 11, 18, 22, 23, 25, 26, 33, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09102002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the content is...". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12, 15, 16, 27, 30, 31, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupte et al (USPUB 20020055350), hereinafter referred to as Gupte.

Re claims 12, 15, 27, and 30, Gupte discloses delivering electronic communication data to the wireless communication device by toggling between the data and voice channel portions during a single communication session (*triggering a wireless data session with a wireless data channel from a voice session during a communication session and triggering a voice session with a voice channel from a wireless data session, abstract*). Gupte discloses receiving and sending the message delivery instructions and electronic communications over a data channel and voice channel (*pushing data to the wireless data and voice channel and pulling data from the wireless data and voice channel*).

Re claims 16 and 31, Gupte discloses the server system configured to communicate over both the voice and data channel as selected by the user (*the data pushed and pulled includes actionable data that initiates an action in a channel receiving the actionable data, paragraph [0026], lines 1-4*).

Re claim 34, Gupte discloses delivering electronic communication data to the wireless communication device by toggling between the data and voice channel portions during a single communication session (*triggering a wireless data session with a wireless data channel from a voice session during a communication session and triggering a voice session with a voice channel from a wireless data session, abstract*). Gupte discloses receiving and sending the message delivery instructions and electronic communications over a data channel and voice channel (*pushing data to the wireless data and voice channel and pulling data from the wireless data and voice channel*). Gupte discloses a server system that receives electronic communication data to be accessible by the user

(communicating with a customer application to receive a specification of data to be pushed or pulled during the communication session, paragraph [0009], lines 6-12).

Gupte discloses selecting either voice format or text format based on user's preference *(performing data formatting as required on data to be pushed pr pulled during the communication session, paragraph [0052], lines 1-7).* Gupte discloses the voice-based communication exchange by listening and replying to the email in voice format *(communicating with an interactive voice response (IVR) application, including transferring formatted data to the IVR application for delivery to a wireless device and receiving data from the wireless device via the IVR application, paragraph [0053], lines 15-19).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5, 7-9, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupte, in view of Gupte et al (USPUB 20010034225), hereinafter referred to as Broman, and further in view of Sorsa (US 6424945).

Re claim 1, Gupte discloses delivering electronic communication data to the wireless communication device by toggling between the data and voice channel portions during a single communication session (*triggering a wireless data session with a wireless data channel from a voice session during a communication session and triggering a voice session with a voice channel from a wireless data session*, abstract). Gupte discloses receiving and sending the message delivery instructions and electronic communications over a data channel and voice channel (*pushing data to the wireless data and voice channel and pulling data from the wireless data and voice channel*). Gupte disclose sending specific cell phone ID (*unique identifier (UID) data*, paragraph [0029], lines 9-13), but fails to disclose transmitting one or more of automatic number identification (ANI) data and dialed number identification service (DNIS), and via a wireless device. Broman discloses sending ANI and DNIS (paragraph [034]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include feature of sending ANI and DNIS of Broman to get the telephone number of the calling party and the called party. Gupte discloses sending short message service (SMS) data, wireless markup language (WML) data, wireless application protocol (WAP) data, hypertext transfer protocol (HTTP) data (paragraph [0007]). Gupte fails to disclose sending voiceXML data. Sorsa discloses voice browser interpreting voiceXML. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include voice browser of Sorsa to interpret voiceXML. The motivation is to allow the phone to send and receive data in speech format over the voice channel by utilizing voice browser (paragraph [0006], lines 7-12).

Re claim 2, Gupte discloses a server system that receives electronic communication data to be accessible by the user (*communicating with a customer application to receive a specification of data to be pushed or pulled during the communication session*, paragraph [0009], lines 6-12). Gupte discloses selecting either voice format or text format based on user's preference (*performing data formatting as required on data to be pushed or pulled during the communication session*, paragraph [0052], lines 1-7). Gupte discloses the voice-based communication exchange by listening and replying to the email in voice format (*communicating with an interactive voice response (IVR) application, including transferring formatted data to the IVR application for delivery to a wireless device and receiving data from the wireless device via the IVR application*, paragraph [0053], lines 15-19).

Re claim 5, Gupte discloses selecting the content associated with an identifier of the wireless device before the communication session (paragraph [0029], lines 9-13).

Re claims 7 and 24, Gupte discloses activating communication session by a user and providing identifiers to the server system (*receiving an identifier for the wireless device after the initiation of a voice session from a wireless device*, paragraph [0028], lines 1-4), terminating the voice session (paragraph [0029], lines 9-11). Gupte discloses the server system providing the notification in a WAP scheme that contains a unique notification event identifier embedded in URL string (*locating a homepage URL using the identifier, sending the homepage URL to a messaging device, wherein the messaging service sends an actionable alert to the wireless device, wherein the homepage URL is*

embedded in the actionable alert such that responding to the actionable alert using the wireless device initiates a data session with the homepage URL, paragraph [0029]).

Re claims 8 and 9, Gupte discloses all of the limitations of the base claim for WAP session between a user and the server system, but fails to disclose fax service including receiving previously scheduled a fax data from a customer application, sending the fax data to one or more previously designated recipient fax machines, receiving a request for specific fax data from a wireless device during a data session, receiving a destination fax number from the wireless device, and sending the fax data to the destination fax number. Broman discloses faxing the email to a selected recipient (paragraph [0031]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gupte to provide fax service so that a selected email would be sent in a quick and easy way.

Re claim 21, Gupte and Broamn disclose all of the limitations of the base claim, but fail to disclose sending short message service (SMS) data, wireless markup language (WML) data, wireless application protocol (WAP) data, hypertext transfer protocol (HTTP) data (paragraph [0007]). Gupte fails to disclose sending voiceXML data. Sorsa discloses voice browser interpreting voiceXML. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include voice browser of Sorsa to interpret voiceXML. The motivation is to allow the phone to send and receive data in speech format over the voice channel by utilizing voice browser (paragraph [0006], lines 7-12).

Claims 13, 19, 20, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupte in view of Broman.

Re claims 13 and 28, Gupte disclose sending specific cell phone ID (*unique identifier (UID) data*, paragraph [0029], lines 9-13), but fails to disclose transmitting one or more of automatic number identification (ANI) data and dialed number identification service (DNIS), and via a wireless device. Broman discloses sending ANI and DNIS (paragraph [034]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include feature of sending ANI and DNIS of Broman to get the telephone number of the calling party and the called party.

Re claim 19, Gupte discloses a system for wireless network communication (figure 1) comprising one network coupled among two or more wireless communication devices and one customer application (paragraph [0024]). Gupte discloses delivering electronic communication data to the wireless communication device by toggling between the data and voice channel portions during a single communication session (*triggering a wireless data session with a wireless data channel from a voice session during a communication session and triggering a voice session with a voice channel from a wireless data session*, abstract). Gupte discloses receiving and sending the message delivery instructions and electronic communications over a data channel and voice channel (*pushing data to the wireless data and voice channel and pulling data from the wireless data and voice channel*). Gupte discloses providing computer telephony integration/interactive voice response (CTI/IVR) service, a call service, and a directory

service (paragraph [0024]), but fails to disclose providing a fax service. Broman discloses faxing the email to a selected recipient (paragraph [0031]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gupte to provide fax service so that a selected email would be sent in a quick and easy way.

Re claim 20, Gupte disclose sending specific cell phone ID (*unique identifier (UID) data*, paragraph [0029], lines 9-13), but fails to disclose transmitting one or more of automatic number identification (ANI) data and dialed number identification service (DNIS), and via a wireless device. Broman discloses sending ANI and DNIS (paragraph [034]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include feature of sending ANI and DNIS of Broman to get the telephone number of the calling party and the called party.

Re claim 24, Gupte discloses the homepage provisioning service including receiving an identifier for the wireless communication device after the initiation of a voice session from a wireless communication device, terminating the voice session, locating a homepage uniform resource locator (URL) using the identifier, sending the homepage URL to a messaging service, wherein messaging service sends an actionable alert to the wireless communication device, wherein the homepage URL is embedded in the actionable alert such that responding to the actionable alert using the wireless communication device initiates a data session with the homepage URL

Claims 14, 17, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupte in view of Sorsa.

Re claims 14 and 29, Gupte discloses sending short message service (SMS) data, wireless markup language (WML) data, wireless application protocol (WAP) data, hypertext transfer protocol (HTTP) data (paragraph [0007]). Gupte fails to disclose sending voiceXML data. Sorsa discloses voice browser interpreting voiceXML. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include voice browser of Sorsa to interpret voiceXML. The motivation is to allow the phone to send and receive data in speech format over the voice channel by utilizing voice browser (paragraph [0006], lines 7-12).

Re claims 17 and 32, Gupte discloses all of the limitations of the base claim, but fails to disclose comprising navigating data including fast forward, rewind, pause, and delete functions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include navigation functions into the system of Gupte to get the feature of basic telephone services such that Gupte would provide enhanced email service over voice channel by allowing the user more options in a given communication session.

Allowable Subject Matter

7. Claims 3, 4, 6, 10, 11, 18, 22, 23, 25, 26, 33, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement for reasons for allowance.

8. Claims 3, 22, and 35 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a call service including an incall service that that handles voice channel content to be sent to a wireless device in response to a request from the wireless device, receiving content from the customer application, wherein the content is selected using a wireless device, transferring the content to the IVR application, notifying the customer application that the IVR application is ready to communicate with the wireless device, and sending an identifier of the wireless device and a status message to the customer application, wherein the status message indicates a status of communication between the wireless device and the IVR application.

Claim 6 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a call service including an outcall service that that handles voice channel content to be sent to a wireless device at a predetermined time, receiving content from the customer application, transferring the content to the IVR application, notifying the customer application that the

IVR application is ready to communicate with the wireless device, and sending a status message to the customer application that indicates a status of communication between the wireless device and the IVR application, including any response from the wireless device.

Claim 10 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a directory service maintaining a directory of information items including entries formatted for a wireless device display, wherein maintaining includes receiving entries and configuration preferences; retrieving entries in response to a request during a communication session via the wireless device, wherein the request includes a voice request, and a data request; and displaying a requested information item on the wireless device display.

Claims 11, 18, 26, and 33 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a device registration service of capturing a device identification (ID) during a data session initiated by a device user for registering the device, querying the user for a telephone number of the device, presenting the user with a personal identification number that is unique to the user, automatically terminating the data session and initiating a voice session to the device, during the voice session, prompting the user to enter the PIN, and receiving the PIN and relating the telephone number to the device ID.

Claim 25 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a fax service including an application specific wireless markup language (WML) dialog module coupled to a wireless communication device, a fax server coupled to the WML dialog

module, and a messaging service, wherein the fax service, executes a request to send a fax, including receiving the request, including format and addressing information during a wireless application protocol (WAP) session, and sending a status message to a wireless device regarding a status of the request, and executes a scheduled request to send a fax to one or more previously identified recipients, including sending a message to the one or more recipients asking whether the recipient wants to receive the fax, and sending a message to a sender of the scheduled request indicating a status of the scheduled request.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent (3701851) to Starrett
- US Patent (6009325) to Retzer et al
- US Patent (6055441) to Wieand et al

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

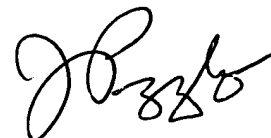
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho
Patent Examiner
8/23/2005

A handwritten signature in black ink, appearing to read 'J. Pezzlo', is positioned above the printed name and title.

JOHN PEZZLO
PRIMARY EXAMINER